

WEST HAYMARKET JOINT PUBLIC AGENCY (JPA)
Board Meeting
November 3, 2021

Meeting Began At: 2:31 P.M.

Meeting Ended At: 2:57 P.M.

Members Present: Leirion Gaylor Baird, Tim Clare, and Tammy Ward

Item 1 - Introductions and Notice of Open Meetings Law Posted by Door.

Gaylor Baird advised that this is a public meeting subject to the open meetings act posted at the back of the room.

Item 2 - Public Comment and Time Limit Notification.

Gaylor Baird advised members of the public are given five minutes for public comment on specific items listed on today's agenda and those testifying should identify themselves for the record.

Item 3 – Approval of the minutes from the JPA meeting held September 23, 2021.

Clare moved approval of the minutes as presented. Ward seconded the motion. Motion carried 2-0, Ward abstained for voting.

Item 4 - Approval of September 2021 Payment Register and Review of September 2021 Expenditure Reports.

David Young, Interim Finance Director and JPA Treasurer, stated in reviewing the highlights for the September 2021 payment register, the major payments consisted of \$331,600.00 to the University of Nebraska athletics department for men's and women's basketball tickets; \$400,000.00 to Pinnacle Bank Arena for fiscal year 2021-22 consisting of the \$250,000.00 for the first quarter sponsorship revenue and \$150,000.00 for the operating increment; \$221,205.50 to DEC for the September billing of which 70.1% or \$155,098.30 was billed to the West Haymarket private customers; \$15,246.87 to the City of Lincoln for cleanup of JPA property; \$17,500.00 for reimbursement to Pinnacle Bank Arena for upgrades to HVAC control software which is the 2nd payment for this project; and \$36,326.30 to Pinnacle Bank Arena for August arena repair and maintenance.

Clare asked if the endowment could be used to pay the \$15,000 for the cleanup. Chris Connolly, Law Department, explained he reviewed the memo Caleb Swanson prepared several years ago discussing the uses of the endowment fund. The memo stated it can be used for capital improvement projects, major repairs, replacements, and extraordinary maintenance obligations at the current and/or future enhanced landscape and streetscape features within the WHJPA project area. He further explained he does not believe we can say this is an extraordinary maintenance obligation of the current and/or future enhancement landscape and streetscape feature.

Jane Kinsey, Watch Dogs of Lincoln Government, asked what kind of cleanup it was. Young explained it was the cleanup and removal of a homeless encampment. Kinsey stated this needs to be public knowledge.

Clare asked for a quick review on where the JPA is financially. Young stated we are in the first month of our budget. The occupation taxes collected for September are up 26.40% over the previous year or 2020. The projections for the occupation taxes right now are 9% ahead. Looking at the original 2010 projections for the project, we are 19% ahead of the projections corresponding with year 2030. We have collected \$23,743,146.00 in excess over the original projections of occupation taxes. In reviewing the financial statements for the JPA, total revenues were \$2,558,736.65, expenditures were \$960,500.44, leaving a profit of \$1,598,236.21, and retained earnings of \$42,253,409.84.

There being no further discussion or public comment, Ward moved approval of the payment register. Clare seconded the motion. Motion carried 3-0.

Item 5 – WH 21-13 Resolution approving an Agreement for Engineering Services between the West Haymarket JPA and JEO Consulting Group, Inc. for the Pinnacle Bank Arena ADA ramp improvements project for an amount not to exceed \$12,510.00. (Caleb Swanson)

Connolly stated this is for redesign work for the steps in front of the PBA box office. There were some older folks that had difficulty negotiating the stairs which are in ADA compliance. We are not committed to doing the construction at this point. We wanted to get the design process started and this is what this contract represents for a total amount of \$12,510.00.

Clare asked if we have looked into whether or not there were any grants to offset these costs. Connolly stated they have not been able to find anything for the PBA accessibility. We can try and look at other methods to fund this, but it may be more applicable to the construction which will be further down the road. He further explained they will continue to look into this.

Kinsey asked what kind of improvements they are talking about. Connolly stated there are some steps in front of the box office at PBA that some people have had difficulty getting up and down, so we are looking to turn it into an accessible ramp. Kinsey asked if there is another ramp. Connolly stated there are ways to get to the box office if you take a longer route.

There being no further discussion or public comment, Clare moved approval of the resolution. Ward seconded the motion. Motion carried 3-0.

Item 6 - WH 21-14 Resolution approving an Amendment to the Memorandum of Understanding between the West Haymarket JPA and Project Control of Texas, Inc., reflecting a rate increase for Construction Management Services for a term of September 1, 2021 through August 31, 2022 with costs not to exceed \$50,000.00. (Chris Connolly)

Connolly stated last month this item was brought to the Board stating the fees would not exceed \$50,000.00 and this is still true, however, what was not included in last months resolution were the rates that Project Control would be charging to get up to the \$50,000.00. The purpose of this resolution is to attach the new rates to be billed by Project Control. It is about a 3.4% rate increase generally and there are different increases based on different titles. This will be approving the rates with costs not to exceed \$50,000.00.

Clare publicly thanked PC Sports as they have done a great job for the City of Lincoln from the very start.

Kinsey asked if this is renewed yearly. Connolly explained this is an annual contract. It is a unique service by which they coordinate and manage construction projects around the JPA area. It has a maximum expenditure of \$50,000 for all projects throughout the course of the next year. Connolly further explained, last year we had two firms for construction management, but we found that it was not working trying to consult with two different firms at the same time. We decided to go back to the firm that has a lot of experience and knowledge of the JPA area. Kinsey asked how long they will stay around. Connolly explained it is up to the Board to decide on how long they will stay around.

There being no further discussion or public comment, Clare moved approval of the resolution. Ward seconded the motion. Motion carried 3-0.

Item 7 - WH 21-15 Resolution approving a Right of Entry Agreement between the West Haymarket JPA and the University of Nebraska to enter upon an abandoned railroad bridge to conduct 3D laser scanning experiments through December 31, 2021. (Chris Connolly)

Connolly stated the University of Nebraska, College of Architecture has asked if we will allow them to go onto the old railroad bridge for purposes of an educational experience allowing them to do 3D scanning experiments. We previously entered into a similar arrangement with the College of Architecture last year. They were going to do some load testing experiments, but they never did actually go on the bridge. He stated this group will get the scanning done by the end of December this year. We are not as concerned with the risks this time, however, they will have insurance and we are satisfied that we are well protected as much as we can be. There is no cost to the JPA on this.

Kinsey asked if this is for testing the earth. Connolly stated no and explained they want to do 3D scanning of the bridge structure for educational purposes.

There being no further discussion or public comment, Ward moved approval of the resolution. Clare seconded the motion. Motion carried 3-0.

Item 8 - WH 21-16 Resolution approving a Memorandum of Understanding between the West Haymarket JPA and the Lincoln-Lancaster County Health Department for purposes of administering COVID-19 vaccines at the Pinnacle Bank Arena. (Chris Connolly)

Connolly stated we are now to a point where booster shots for the COVID pandemic are going to be starting soon. The Health Department wanted to enter into another agreement similar to what was done last spring when the initial vaccine was being done. This agreement has been updated to reflect what is happening more recently, but otherwise the terms and conditions remain the same as what was done previously. The Health Department will reimburse the JPA up to \$50,000.

Kinsey asked if this is for all ages, including kids. Connolly stated we are not making the decision on who the shots are for. He explained this is for booster shots so he does not believe it will include small children.

Gaylor Baird took a moment to thank everyone involved with these clinics, especially the arena, SMG, the Health Department, and all of its partners. She commented none of us contemplated the use of the arena for this purpose when it was built and how fortunate for our community to have this large facility that helped so many be vaccinated quickly and efficiently. As we look to boosters, and 5- to 11-year-olds, this is a powerful resource to help our community.

There being no further discussion or public comment, Ward moved approval of the resolution. Clare seconded the motion. Motion carried 3-0.

Item 9 - Set Next Meeting Date.

The next meeting will be Thursday, December 9, 2021 at 2:30 p.m. in Council Chambers, First Floor of the County-City Building.

Item 10 – Motion to Adjourn

Ward moved to adjourn. Motion seconded by Clare. The meeting adjourned at 2:57 p.m.